

1 EDMUND G. BROWN JR.  
2 Attorney General of the State of California  
3 DAVID S. CHANEY  
4 Chief Assistant Attorney General  
5 FRANCES T. GRUNDER  
6 Senior Assistant Attorney General  
7 MICHAEL W. JORGENSON  
8 Supervising Deputy Attorney General  
9 LISA SCIANDRA, State Bar No. 246532  
10 Deputy Attorney General  
11 455 Golden Gate Avenue, Suite 11000  
12 San Francisco, CA 94102-7004  
13 Telephone: (415) 703-5846  
14 Fax: (415) 703-5480  
15 Email: Lisa.Sciandra@doj.ca.gov

Attorneys for Defendants Curry, Chudy, Hill, Hedrick, Raghunath, Grannis, Aboytes and Klein

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

## **RONALD BRATTON,**

Case No. C 07-2928 JSW

Plaintiff.

V.

## BEN CURRY.

## Defendants.

**DECLARATION OF N.  
GRANNIS IN SUPPORT OF  
DEFENDANTS' MOTION TO  
DISMISS**

N GRANNIS declare as follows:

22       1. I am employed by the California Department of Corrections and Rehabilitation  
23 (CDCR) as the Chief of the Inmate Appeals Branch. I am competent to testify to the matters set  
24 forth in this declaration, and if called upon to do so, I would and could so testify. I submit this  
25 declaration in support of Defendants' Motion to Dismiss.

26       2. I am familiar with the sections of Title 15 of the California Code of Regulations that  
27 govern an inmate appeal. Section 3084.5 describes the levels of appeal that are available to an  
28 inmate. Section 3084.5(e)(2) provides that “[t]hird level review constitutes the director’s

1 decision on an appeal, and shall be conducted by a designated representative of the Director  
2 under supervision of the chief, inmate appeals." Attached as exhibit A is a copy of the sections  
3 relevant to inmate appeals, updated through September 7, 2007.

4       3. Attached as exhibit B is the CDC Form 602 used by an inmate when the inmate files an  
5 administrative appeal. The CDC Form 602 informs inmates of how to proceed "if dissatisfied"  
6 with a particular level of decision.

7       4. The Director's decision exhausts the administrative remedies available to an inmate  
8 within CDCR. The Director's decision also advises an inmate that the decision constitutes the  
9 exhaustion of administrative remedies available to the inmate within CDCR.

10      5. The Inmate Appeals Branch keeps an electronic record of each inmate appeal that has  
11 proceeded through the final level of review, the Director's Level, also referred to as the third  
12 level. When an appeal is received by the Inmate Appeals Branch and is accepted for review, it  
13 will be given an appeal number and will be logged into the system. The system was commenced  
14 in 1993. The following information will be kept in the electronic record: Inmate Appeals Branch  
15 (IAB) log number; category (nature/subject) of the appeal; institutional log number of the appeal;  
16 inmate name and CDCR number; institution where the appeal arose; date that the appeal is  
17 received and closed; and the final disposition of the appeal.

18           a. CDCR does not keep copies of appeals that have been screened out. These  
19 appeals are returned to the inmate with a letter that explains the reason for the screen out and  
20 instructs the inmate what to do if the inmate disagrees with the lower-level disposition of the  
21 appeal. CDCR does, however, keep the following information in the electronic record for screen  
22 outs: IAB log number; category (nature/subject) of the appeal; institutional log number of the  
23 appeal (if available); inmate name and CDCR number; institution where the appeal arose; date  
24 that the appeal is received; date the appeal is screened out; and the reason for the screen out. The  
25 electronic record keeping system was revised in July 2007. Records in the new electronic record  
26 keeping system that were imported from the old system currently display the same date for when  
27 the appeal was received and when it was screened out, even if the appeal was screened out on a  
28 later date than it was received.

6. A search of the computerized system has been conducted for Inmate Ronald Bratton.  
2 CDCR number J-45341. Attached as exhibit C is a true and correct copy of the Inmate Appeals  
3 Branch computer printout report of each inmate appeal that was submitted by Inmate Bratton  
4 that was either accepted for review or screened out at the Director's Level.

5 a. Exhibit C shows that appeal log number CTF-07-00286 was completed at the  
6 Director's level of review on May 21, 2007.

7 b. Exhibit C also shows that an appeal concerning the issue of living conditions was  
8 received on April 6, 2007. This appeal was screened out because it was not completed through  
9 the second level of review.

10 I declare under penalty of perjury that the foregoing is true and correct. Executed at  
11 Sacramento, California, on June 19, 2008.

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14 N. Grannis  
15 Chief, Inmate Appeals Branch  
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